

ORDINANCE #2

An ordinance Establishing and Adopting Land Use, Building and Zoning Regulations and Restrictions Within the Township of Sandstone, Pine County, Minnesota

The Board of Supervisors of the Township of Sandstone ordains:

SECTION 1 PURPOSE

This ordinance is enacted pursuant to Minnesota Statutes Chapter 462 for the following purpose: to promote the health, safety, morals and general welfare throughout the Township of Sandstone by lessening congestion in public right-of-way, securing safety from fire, panic and other dangers, provide adequate light and air, facilitating the adequate provision of water, sewerage and other public requirements, conserving the values of property and provide for the appropriate use of land, and lessening congestion in roads, reducing the wastes of excessive amounts of roads.

SECTION 2 CITATION

This resolution shall be known and may be cited and referred to as the Sandstone Township Zoning Ordinance.

SECTION 3 DEFINITIONS

Unless specifically defined herein, words or phrases used in this ordinance shall have the meaning as they have in common usage and so as to give this ordinance its most reasonable application. All distances, unless otherwise specified, shall be measured horizontally.

Agricultural use: “Agricultural use” means the production of livestock, dairy animals, dairy products, poultry or poultry products, fur-bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains, timber, trees, or bees and apiary products. “Agricultural use” also includes wetlands, pasture, forest land, wildlife land and other uses that depend on the inherent productivity of the land.

Building Site Permit: A “Building Site Permit” is a permit issued by the Town Board which, when properly filled out and submitted to the township Zoning Officer for approval, and when approved, authorizes specific improvements to be made on that specific lot or parcel of real estate.

Farming: “Farming” means the cultivation of land for the production of agricultural crops, the raising of poultry, the production of eggs, the production of milk, the production of fruit or other horticultural crops, grazing, the production of livestock, aquaculture, hydroponics, or the production of forest products.

Lot: A “Lot” as the term is used herein shall be one land unit under 40 acres and not less than the size specified in Section 8A.

Nonconformity: A “Nonconformity” including the lawful use or occupation of land or premises existing at the time of the adoption of an official control under this ordinance, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion.

SECTION 4 INTERPRETATION

Unless otherwise provided, this ordinance shall be interpreted by the general rules of interpretation as provided by and for state law. Except as otherwise provided or required by context, the following specific rules of interpretation shall apply:

- a. Gender. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders and vice-versa.
- b. Singular and plural. Words in their singular form shall include the plural and words in their plural form shall include the singular.
- c. Tenses. Words denoting the present tense shall also include the future tense.

SECTION 5 APPLICATIONS

This ordinance does not supersede nor replace the Pine County Shore Land Management Ordinance, Pine County Flood Plain Management Ordinance, Pine County Subdivision and Platting Ordinance and the Kettle River Wild and Scenic River Ordinances for Pine County. Existing residences and site situations not specifically addressed, which are not in conformance with the provisions of this ordinance, shall not be governed by this document.

SECTION 6 ZONE DISTRICTS

Zone 1. All land in Range 19 of Sandstone Township is classified as Agricultural, Rural Residential.

Zone 2. All land in Range 20 of Sandstone Township is classified as Agricultural, Urban Residential and Potential Commercial. All land in Range 20 which is within the corporate limits of the City of Sandstone, on record, as of the date of enactment of this ordinance, and all land within the Federal Correctional Facility, is outside this zoning classification.

SECTION 7 PERMITTED USES

a. Zone 1. Agricultural, Rural Residential: The following uses shall be permitted within the Agricultural, Rural Residential Zone.

1. Agricultural uses; Agricultural Buildings.
2. Farming
3. Forest uses, forestry management, accessory structures associated with permitted uses.

4. Residential uses. Single-family dwellings and seasonal, non-permanent dwelling subject to the following conditions: (MS 462.357 subd7)

a. Each permanent or seasonal dwelling shall be located on a minimum of ten (10) acres and contain at least five (5) contiguous acres of buildable land. Before a "Building Site Permit" is issued, the Township may request verification that the parcel has been surveyed and subdivided under the Pine County Subdivision and Platting Ordinance or evidence that the parcel was created consistent with any county or township regulations at the time the parcel was created.

B. Zone 2. Agricultural, Urban Residential, Potential Commercial. The following uses shall be permitted within the Agricultural, Urban Residential and Potential Commercial zone.

1. Agricultural uses; Agricultural buildings.

2. Farming.

3. Forest uses, forestry management, accessory structures associated with permitted uses.

4. Residential uses, single-family dwellings and seasonal, non-permanent dwelling subject to the following conditions. (MS 462.357 subd7)

5. For properties that share a common boundary with property within the City of Sandstone, west of the Kettle River and east of the Interstate Highway 35, potential commercial uses will be permitted on an as requested basis dependent upon the type of commercial use intended as appropriate for the specific location.

a. Each permanent or seasonal dwelling shall be located on a minimum of five (5) acres and contain at least two and one half (2 ½) contiguous acres of buildable land. Before a "Building Site Permit" is issued, the Township may request verification that the parcel has been surveyed and subdivided under Pine County Subdivision and Platting Ordinance or evidence that the parcel was created consistent with any County or Township regulation at the time the parcel was created.

C. Permits. A "Building Site Permit" shall not be issued by the Township until an individual on-site sewage system permit, when required, has been issued by the Township.

SECTION 8 SPECIFICATIONS

A. All lots in **Zone 1** shall be a minimum of ten (10) acres and contain at least five (5) contiguous acres of buildable land and have a minimum of 330-foot frontage on any public road, cartway or private easement. All lots in **Zone 2** shall be a minimum of five (5) acres,

contain at least two and a half (2 ½) contiguous acres of buildable land and have a minimum of 330-foot frontage on any public road, cartway or private easement.

B. A “Building Site Permit” shall be obtained from the Township Zoning Officer for all homes, buildings and structures to be constructed within the Township. No sanitary sewers, cesspools, sanitation systems, septic tanks and water systems shall be installed until a valid Sewage Treatment Permit application has been approved by the Pine County Planning and Zoning Department. All buildings, homes, or structures shall be built at least 90 feet away from the center line of a public highway, road or cartway and 35 feet away from property lines. The above shall apply to homes, including mobile homes moved into the township or from one lot to another lot located within the township.

C. It is the property owners’ responsibility to insure the property lines are surveyed and recorded with the Pine County Recorder, accurate up-to-date and clearly visible.

D. Manufactured Home/Structure: Any manufactured home moved into the Township to be used for housing shall comply with the requirements of the current Manufactured Housing Code. (MS. 327.31 to MS 327.36 MN Rule 1350.0300) This provision applies to manufactured homes used on a permanent or temporary basis, i.e. permanent homes, weekend cabins and hunting shacks.

E. Movable or portable structures: Movable or portable structures 500 square feet or less do not require a “Building Site Permit.” Structures in this category must meet the setback requirements of this ordinance.

F. Conditional Uses: Other than agricultural and residential uses, the following examples shall require a Conditional Use Permit, as appropriate for the specific location, pursuant to the Ordinance.

1. Excavation of materials
2. Adult and child care facilities
3. Churches and places of worship
4. Commercial greenhouses and nurseries
5. Farm implement sales and repairs
6. Motels and Bed and Breakfast type accommodations
7. Gasoline service stations
8. Motor sports events, motor sport club uses, including permanent and temporary ATV events, automobile or motorcycle facilities and events

9. Permanent or temporary recreation activities including “paint ball” type combat simulation uses
10. Restaurants
11. Communication towers and transmitter buildings
12. Public utilities
13. Cemeteries
14. Private air strips
15. The keeping of exotic, wild or otherwise regulated non-agricultural animal species
16. Government buildings
17. Camping facilities including RV parks, public or private tent campgrounds
18. Accessory structures to a conditional use permitted
19. Second dwelling located on the same parcel necessary for health care purposes, shall be subject to all other provisions of this Ordinance
20. Other uses as determined by the Sandstone Planning Committee and or Town Board to be of the same character as the conditional uses identified in this ordinance.

G. Other Use Review Criteria: In reviewing an application for a conditional use permit, the Township will evaluate the effects of the proposed use using criteria including but not limited to the following:

1. The Maintenance of safe and healthful conditions as well as the general health, safety and welfare of the residents; and
2. The prevention and control of water pollution; and
3. The impact on existing topographic and drainage features and vegetative cover on the site; and
4. The location of the site with respect to existing or future access roads; and
5. The compatibility with uses on adjacent land; and
6. The compatibility with a desirable pattern of development in the area and in the Township; and

7. The adequacy of the proposed wastewater treatment system for the new use; and
8. The compliance with the Township's Comprehensive Plan and other Township Ordinances; and
9. The proposed use can be accommodated with existing public services and will not overburden the Town's service capacity; and
10. The traffic generated by the proposed use is within the capabilities of the roads serving the property; and
11. The effect of the proposed use on groundwater, surface water and air quality; and
12. Whether such use will tend to or actually depreciate the value of other properties in the area in which it is proposed.

H. Nonconformities: If the nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, and no building site permit has been applied for within 180 days of when the property is damaged, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. (MS. 462.357, subd. 1c)

SECTION 9 SUBDIVISION ORDINANCE

This Ordinance does not apply to subdivisions and does not override the County's Subdivision Ordinance. Pine County's subdivision applies in the Township and applicants shall contact the County for all subdivision requests.

SECTION 10 ZONING OFFICER

A. The Town Board shall designate the Zoning Officer, and with the prior approval of the Town Board, shall have the authority to issue "Building Site Permits" hereunder. The fee for the issuance of a "Building Site Permit" shall be established by the Town Board. In the event construction has begun prior to the issuance of a "Building Site Permit," the fee for a site permit shall be doubled.

B. Conditional use "Building Site Permits" are to be issued by the Zoning Officer, after review by the planning committee and followed by approval of the Town Board.

C. When the Zoning Officer receives a request for a "Building Site Permit," he/she shall assemble as much guiding information/material as possible to assist the applicant with expeditious completion of the application. When the Zoning Officer receives the completed

form, he/she shall acknowledge receipt of said permit form, in writing, and advise the applicant that they will have some form of response within 60 days. That response may be either an approval, disapproval or a notice of an additional 60 day for further research for planning purposes. The Zoning Officer shall also arrange a meeting of the planning commission as soon as possible after receipt of a completed conditional use application. (MS 15.99)

D. The Zoning Officer will advise the Town Board and the Planning Commission on land use issues within the Township at their direction.

SECTION 11 ACCESSES

Access from all lots to the nearest existing public road shall be furnished by each lot owner. Each lot owner is responsible for the construction, maintenance and paying the cost of driveways, including culverts which connect to township highways, roads and cartways.

SECTION 12 PLANNING COMMISSION and BOARD of ADJUSTMENTS and APPEALS

A. The Planning Commission is created in accordance with MS 462.354. The function of the Planning Commission is to assist the Town Board in its decision-making process, to collect pertinent data on permit applications and proposed changes/additions to official controls, and to review proposed zoning amendments.

1. The Planning Commission shall consist of five (5) members as appointed by the Township Board.
2. Planning Commission members shall serve three-(3) year terms.
3. When Town Board initially appoints the members of the Planning Commission, terms shall be set as follows:
 - Two members shall serve an initial three-year term
 - Two members shall serve an initial two-year term
 - One member shall serve an initial one-year term

B. Board of Adjustment and Appeals are created concurrently with the adoption of this ordinance. (MS 462.351 to 462.364)

1. The Board of Adjustments shall have the powers set forth in MS 462.357, Subdivision 6 and 462.359, Subdivision 4.

2. The Board of Adjustments and Appeals shall consist of five (5) members of the Planning Commission and two (2) alternates, as appointed by the Township Board of Supervisors.

3. Terms for members of the Board of Adjustments and Appeals shall be the same as the members' terms on the Planning Commission.

4. Alternates on the Board of Adjustments shall serve three- (3) year terms.

5. The decision of the Board of Adjustments and Appeals is final subject to an appeal to the Township Board of Supervisors and the right of later judicial review.

Ordinance #3

An Ordinance Amending Ordinance #2, Recorded as Document Number A-470959 and T-15531 in the Pine County Recorder's Office for the Township of Sandstone, Pine County, Minnesota

The Board of Supervisors of the Township of Sandstone Ordains That Section 13 shall be amended as Follows

“Section 13; ENFORCEMENT” of Ordinance #2 shall be deleted in its entirety, and the following shall be inserted in as the amended “Section 13; Enforcement.” The remaining text of the Ordinance #2 not affected by this Ordinance #3 shall remain in full force and effect in all respects.

SECTION 13: ENFORCEMENT; PENALTIES AND VIOLATIONS

A. Any person who violates any provision of the Ordinance shall, upon conviction thereof, be fined according to current State of Minnesota laws, or imprisoned for not more than ninety (90) days, or both.

B. If the Township Zoning Administrator finds that any landowner is in violation of the provisions of this Ordinance, the landowner and any occupant shall be notified of the violation in writing. If the landowner and/or occupant fail to comply with this Ordinance within twenty (20) days after notification, the Township Zoning Administrator shall advise the Township Board, and if the Board agrees the landowner is in violation, it shall order its correction. In the alternative, if in the opinion of the Town Supervisors or the Clerk or the Zoning Administrator, after consultation with the supervisors, determines the violation to constitute an imminent threat or danger to the public health, safety welfare or to cause economic loss, then the Township shall take such immediate action as shall be required. The matter shall be referred to legal counsel who shall initiate a District Court proceeding setting forth the violation, a demand for remediation, correction, abatement, or such other and further relief as will end the violation and for legal fees, costs and expenses and such costs as will be incurred by the Township in undertaking the corrective work, remediation, or abatement.

1. Recovery of Costs. The owner of the land shall be personally liable for the costs to the Township for remediation, correction, abatement of other necessitated by the violation including all legal and administration costs and reasonable attorney's fees. As soon as the work has been completed and the costs determined, the Township shall prepare a bill for the cost and mail it to the owner. The amount shall be immediately due and payable to the Township Clerk.

2. Assessment. If the Township is not fully reimbursed for all its reasonable costs incurred, it may be assessed in the manner of a special assessment under Minnesota Statutes Chapter 429 against the lot of property to which the costs, charges and fees are attributed. The Town Board shall certify the assessment to the County Auditor for collection along with the real estate taxes for the following year or in annual installments, not exceeding three (3) years, as the Town Board may determine in each case.

SECTION 14: SEVERABILITY

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, all remaining provisions shall remain in effect and shall not be affected by the ruling on the invalid section.

SECTION 15: EFFECTIVE DATE

Ordinance #2 shall become effective and enforceable on the day following publication.

Published March 13, 2008

Ordinance #3 shall become effective and enforceable on the day following publication.

Published November 18, 2011

Revised Ordinance #2 shall become effective and enforceable on the day following publication.

Published _____